

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Sanction of Prosecution against Sri S.Sai Srinivas, Sub-Inspector of Police, SB City Hyderabad, in Cr.No.57/2004 under sections 329, 384, 504 Indian Penal Code, section 3(2) of Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act 1989 and section 7 & 11 of Prevention of Corruption Act of Keshampet Police Station – Order – Issued.

HOME (LEGAL-II.A2) DEPARTMENT

G.O.Ms.No. 78

Dated: 02.04.2011

Read:

Letter from DGP, AP, Hyd. Rc.No.1383/Compts-1/2008, dt: 13.3.2009.

ORDER

Whereas, the accused Sri S.Sai Srinivas, Sub-Inspector of Police has requested for withdrawal of prosecution against the proposal of the Director General of Police for sanction of prosecution against him in Cr.No.57/2004 under sections 329, 384 and 504 of the Indian Penal Code, 1860, sub-section (2) of section 3 of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act 1989 and sections 7 and 11 of the prevention of corruption Act, 1988 of Keshampet Police Station;

2. And whereas, the Director General of Police, Andhra Pradesh, Hyderabad, when requested for specific remarks / report on the request of Sri S.Sai Srinivas, Sub-Inspector of Police, SB City Hyderabad for withdrawal Prosecution against him, has submitted his report with detailed reports of Superintendent of Police, Mahaboobnagar and requested for Sanction of Prosecution against the 4 (four) accused W.S.I Ramadevi along with the Sub-Inspector of Police, Mr.Sai Srinivas, Head Constable -559 Balraj and Police Constable – 979 Bhadrinath. The Superintendent of Police, Mahaboobnagar in his letter dated: 24.12.2008, has stated that the ingredients of section 329 of the Indian Penal Code are that voluntary causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence. The contents of the case in brief are that on 17.7.2004 at 1300 hours the complainant Malli Ramaiah S/o Jangaiah, aged 50 yrs. Madiga r/o Kothapet vg. Of Keshampet-Mandal lodged a complaint at PS Keshampet with the endorsement of SDPO Shadhnagar and CI Shadhnagar, stating that his wife discarded him and his child and with some other person. During October 2003, he complained the above matter at PS Keshampet. At that time Police officials, SI Sai Srinivas, Balraj HC-599, Badri Naik PC-979 demanded some amount to get back his wife. So he paid Rs, 10,000/- to SI later paid Rs, 27,000/- to Badri Naik and Balraj at different occasions, but they did not settle the issue. He further stated that he mortgaged his PATTA pass book, obtained loan and gave amount to the said police personnel totaling Rs. 37,000/-. Later when he approached the police for justice, they abused him in filthy language as. Thus, the acts of the accused police personnel led him to attempt suicide and there by he requested for necessary action against the above personnel;

3. And whereas, initially the then Circle Inspector Shadnagar who investigated this case, filed a requisition before Hon'ble Judicial First Class Magistrate, Jadcherla for recording the Statements of complainant Malli Ramaiah under section 164 of the Code of Criminal Procedure 1973 as there are contradictory versions of the witnesses and complainant to the incident. The Hon'ble court recorded the section 164 of the Code of Criminal Procedure statement of complainant, in which he complained against the accused Police Personnel i.e. SI Sai Srinivas, HC Balraj, PC Badri Naik and WSI Rama Devi formerly worked at Keshampet PS. On the strength of section 164 Code of Criminal Procedure Statement of the complainant, the former CI added the section of law under section 23(1) (x) of the Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act 1989 to sections 329,384,504 of the

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Indian Penal Code to this crime. Subsequently investigation entrusted to the then Sub-Division of Police Officer, Mahaboobnagar for further investigation. As per his investigation (CD dated: 27.8.2005) it is obvious that the corruption allegations against Sub-Inspector of Police, Sai Srinivas, HC-559 Baljar and PC-979 Badri Maik (f) of Keshampet PS are established and the allegations regarding abusing the complainant in the name of his caste by WSI Rama Devi are found to be fabricated and an after thought;

4. And whereas, the Superintendent of Police, Mahaboobnagar in his letter dated: 24.2.2009, has enclosed the legal opinion of Additional Public Prosecutor i.e. Special Public Prosecutor Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act Cases, Mahaboobnagar and MD.Masood Ali Faruqui, Advocate, Mahaboobnagar, wherein he has stated that the Special Public Prosecutor for Scheduled Caste /Scheduled Tribes Court, Mahaboobnagar, has stated that he has perused the entire C.D file in Crime No. 57/2004 of P.S Keshampet which was registered for the offences under sections 329, 384 and 504 of the Indian Penal Code 1860 and section (3) (i) (x) of Scheduled Caste /Scheduled Tribes Prevention of Atrocities Act and observed that as per the contents of section 164 of the Code of Criminal Procedure of Defacto Complainant the allegations against the accused Nos.1 to 4 are established i.e. against A1) S.Sai Sreenivas, SI of Police, A2) B.Balraj, HC.No.559, A3) K.Badrinath P.C.No.979 & A4) Smt Rama Devi, WSI;

5. And whereas, the Government of Andhra Pradesh being the competent authority to remove Sri S.Sai Srinivas, Sub-Inspector of Police from service after fully and carefully examining the material placed before them in respect of the aforesaid acts and having regard to the circumstances of the case consider that the said individual should prosecute in the court of Law.

6. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of section 197 of the Code of Criminal Procedure, 1973 (Central Act 2, 1974) the Government of Andhra Pradesh hereby accord sanction for prosecution of Sri S.Sai Srinivas, Sub-Inspector of Police, SB City Hyderabad, Andhra Pradesh, for the offences punishable under sections 329, 384, 504 of the Indian Penal Code, 1860 and section 3(2) of the Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act 1989 and Sections 7&11 of the Prevention of Corruption Act 1988 in Cr.No. 57/2004 of Keshampet Police Station of Mahaboobnagar District and for any other offences punishable under the provisions of any other law for the time being in force in respect of the acts or purporting to act in discharge of his official duties and for taking cognizance of offence by the Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad.
The Additional Director General of Police, CID A.P., Hyderabad.

Copy to:

The Law (E) Department, Hyderabad.
The P.S to Prl.Secy, Home Department.
C.No. 6035/Legal.II/A1/2008
SF/SCs

// FORWARDED :: BY ORDER //

SECTION OFFICER